

RONALD B. McGUIRE, ESQ.

Member of the New York Bar

119 West 23rd Street - Suite 900
New York, N.Y. 10011-6342

PHONE: (212) 591-1308
FAX: (877) 460-2295 (not for service)
eMAIL: mcguire.legal@gmail.com

November 10, 2020

BY ECF

Hon. John P. Cronan, U.S.D.J.
Southern District of New York
500 Pearl Street
New York, NY 10007

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Re: Tarik Fellah v. City University of New York, et al
20-cv-6423 (JPC)
(i) Request To Adjourn Motion Schedule
(ii) Request To Adjourn Preliminary Conference

I represent the Plaintiff in this employment discrimination lawsuit brought under 42 U.S.C. §2000e, et seq., 42 U.S.C. §1981 and §1983 and the New York State Human Rights Law (N.Y. Exec. Law §290, et seq. I write to request that the Court (i) adjourn the briefing schedule for Defendants' forthcoming motion to dismiss for two months and (ii) adjourn the preliminary conference scheduled for November 24, 2020 to a date convenient for the Court after the forthcoming motion to dismiss is decided with the joint letter from the parties to be filed one week before the adjourned conference date.

Counsel for the Defendants, Assistant Attorney General Shaina Schwartz, consents to this request. If granted, the time for Defendant to make a motion to dismiss will be extended from November 18, 2020 until January 20, 2021 with Plaintiff's time to oppose the motion extended from December 9, 2020 until February 10, 2021. This would modify the schedule set by the scheduling dated November 3, 2020 (document #15), This is Plaintiff's first request for an adjournment in this case.

I make this request because I am unable to continue as Plaintiff's counsel in this case. The Plaintiff and I are actively searching for counsel to replace me. I am 72 years old with a history of medical problems that led me to leave New York City in March due to the Covid 19 pandemic. I am presently transient and sheltering in Wisconsin and Minnesota where I do not have access to a law office or a permanent residence. It is impossible for me to continue as Plaintiff's counsel. I intend to make a motion to be relieved pursuant to Local Civil Rule 1.4 once the Plaintiff has retained replacement counsel.

Defendants' counsel and I agree that the initial preliminary conference presently scheduled for November 24, 2020 should be adjourned to a date after the forthcoming motion to dismiss is decided with the joint letter referenced in the Court's order in Document #8 to be filed one week before the rescheduled preliminary conference. There are no other scheduled events in this case.

I therefore respectfully ask that the Court grant these requests made on consent to adjourn the schedule for the forthcoming motion to dismiss by two months and to adjourn the initial preliminary conference and joint letter to dates convenient for the Court after the forthcoming motion to dismiss has been decided.

If these consented requests are granted, Defendants shall file a motion to dismiss by January 20, 2021 and Plaintiff shall file opposition by February 10, 2021; and the initial preliminary conference shall be adjourned sine die to be rescheduled for a date after the motion to dismiss is decided with the parties joint letter to the Court to be filed one week before the preliminary conference.

I appreciate the courtesy of my adversary and the Attorney General's office for the consideration they have shown during this difficult time.

Respectfully yours,



Ronald B. McGuire

cc: AAG Shaina Schwartz (By ECF)

Plaintiff's request is GRANTED. The conference scheduled for November 24, 2020 is adjourned *sine die*. The deadline to file a joint status letter is adjourned *sine die*.

Defendants shall file their motion to dismiss by January 20, 2021. Plaintiff shall file his opposition by February 10, 2021. Defendants shall file any reply by February 17, 2021.

Plaintiff's counsel shall file his application to withdraw as counsel under Local Civil Rule 1.4 by December 10, 2020.

SO ORDERED.

Date: November 10, 2020
New York, New York


JOHN P. CRONAN
United States District Judge